

12/12/05 - (12)

**TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE**

DATE: December 9, 2005

TO: Board of Selectmen

FROM: Don P. Johnson

SUBJECT: 60 Powder Mill Road

There are three items on the December 12 agenda that relate to 60 Powder Mill Road ... Item 2, a new Class I Car Dealer's License for Acton Suzuki; Item 10, 2006 License Renewals (including the current Class I License for this location) and Item 12, a requested amendment to Site Plan Special Permit #02/19/03-388 related to this property. I will be strongly recommending that the Board not approve any of these requests Monday.

I will be happy to elaborate during the various agenda items but the basic problems are as follows:

1. When the Board of Selectmen approved the initial Site Plan for this property in 2003, the Board also approved a requested Class I License with a limit of 39 display vehicles.
2. After the Selectmen approved the Site Plan, the Conservation Commission settled several outstanding issues with the applicant and a Conservation Restriction was placed on part of this property. The Restriction limited the development of the property such that a significant portion of the originally proposed site plan could not be built.
3. The petitioner proceeded to secure a building permit from the Building Commissioner, apparently using the original Site Plan for approvals.
4. The petitioner has developed the property in accordance with the Conservation Restrictions and, in so doing, has limited the available parking to something significantly less than the Selectmen expected when the Site Plan and Class I License approvals were granted in 2003.
5. The petitioner has not provided adequate plans to allow review or analysis of the available parking for display vehicles.

6. All of the defined parking spaces shown on the revised Site Plan are required to satisfy zoning requirements for customers. They are not available for vehicle display and will need to be restricted accordingly.
7. Issuance of a new Class I License, without knowing how it should be limited, would further compound a problem situation.
8. Renewal of the existing Class I License is inappropriate inasmuch as it authorizes 3-4 times as many display vehicles as the property, as developed, can support.
9. The proposed Site Plan revision fails to provide a clear indication as to the extent or impact of revisions the petitioner seeks to have approved.

For all of the above reasons I recommend that the Board (1) deny the petitioner under Item 2, under the applicable portion of Item 10 and under Item 12, (2) direct the petitioner to prepare proper plans that will allow the Board to understand the full impact of the changed Site Plan as well as evaluate the availability of parking/storage space for display vehicles and (3) schedule an appointment with the Board to review all of these issues when the additional plans and information are available.

A handwritten signature in black ink, appearing to be 'J. M.', is written below the text.